

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the the following remarks. Claim 1-4 were pending prior to the Office Action. Claims 5-20 have been added by this Reply. Therefore, claims 1-20 are pending. Claims 1, 3, 5, and 13 are independent.

Title of the Invention

In the Office Action, the title is objected to for allegedly being not descriptive. However, no line of reasoning for this assertion has been provided. A change in title is appropriate only if the title is not descriptive of the invention claimed. *See M.P.E.P. 606*. In this instance, the invention is directed generally to method and apparatus to adjusting image brightness. *See, e.g. independent claims*. The title of the invention is clearly descriptive. Therefore, Applicant respectfully request that the objection to be withdrawn.

If the objection is maintained, it is requested that 1) a line of reasoning be provided as to why the title is non-descriptive, and 2) a suggested title change be provided.

35 U.S.C. § 102 Rejection Based on Kawai

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kawai et al. (USPN 5,943,143) ("Kawai"). Applicant respectfully traverses.

For a Section 102 rejection to be valid, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection must fail.

In this instance, Kawai fails to teach or suggest each and every claimed element. For example, independent claims 1 and 3 recite, *inter alia*, "adjusting the brightness of the image ... based on color saturation." Kawai fails to teach or suggest at least the feature recited above. Indeed, Kawai teaches quite the opposite.

More specifically, Kawai is directed toward adjusting colors of an image using matrix operations. *See column 1, lines 6-12.* Kawai goes on to indicate that the adjustment to the image is performed on the basis of lightness (or brightness), saturation (or vividness), and hue. *See, e.g. column 2, lines 21-25.* The image may also be adjusted on the basis of surface level correction, color space compression, and dark level compression. *See, e.g. column 9, lines 35-40.*

However, in all instance, Kawai discloses that each variable are adjusted independent of each other. *Emphasis added.* For example, Kawai specifically states that the “colors can be adjusted in lightness, hue, and saturation independently of each other.” *See column 3, lines 37-38.* As shown in Figure 2, it is noted that hue is adjusted by selecting keys in an angular direction, saturation is adjusted by selecting keys in radial direction, and the brightness is adjusted by selecting keys on a rectangular grid. As another example, Kawai specifically indicates that the surface level correction, color space compression, and dark level compression may be performed independently. *See column 12, lines 48-57.*

Because Kawai teaches adjusting the image factors – including brightness and saturation – independently of each other, Kawai cannot teach or suggest adjusting brightness of an image based on color saturation of the image, as recited above. Therefore, for at least these reasons, independent claims 1 and 3 are distinguishable from Kawai.

Applicant respectfully requests that the rejection of claims 1 and 3, based on Kawai, be withdrawn.

35 U.S.C. § 103 Rejection Based on Kawai and Sato

Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawai in view of Sato et al. (USPN 6,125,199) ("Sato"). Applicant respectfully traverses.

For a Section 103 rejection to be valid, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142*; *M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection must fail.

In this instance, it has been shown above that Kawai fails to teach or suggest "adjusting the brightness of the image ... based on color saturation" as recited in independent claims 1 and 3. Sato has not been relied upon, and indeed cannot be relied upon, to correct at least this deficiency of Kawai. Therefore, independent claims 1 and 3 are not rendered obvious by the combination of Kawai and Sato.

Claims 2 and 4 depend from claims 1 and 3, respectively. Therefore, for at least the reasons stated with respect to claims 1 and 3, claims 2 and 4 are also not rendered obvious by the combination of Kawai and Sato.

Applicant respectfully requests that the rejection of claims 2 and 4, based on Kawai and Sato, be withdrawn.

NEW CLAIMS

Claims 5-20 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. For example, independent claim 5 recites, *inter alia*, "adjust a brightness of the image based on a color saturation of the image data." Independent claim 13 recites a similar feature. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least this feature. Therefore, independent claims 5 and 13 are distinguishable over the cited references.

Claims 6-12 and 14-20 depend from independent claims 5 and 13, directly or indirectly. Therefore, these dependent claims are also distinguishable over the cited references for at least the reasons stated with respect to independent claims 5 and 13.

Applicant respectfully requests that the claims 5-20 be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Hyung Sohn

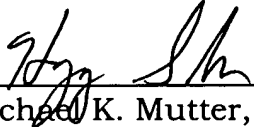
(Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$\$400.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1. 17; particularly, extension of time fees.

Respectfully submitted,

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